

CHAPTER 7

Health, Sanitation and Animals

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ARTICLE I

Administration and Abatement of Nuisances

Sec. 7-1-10. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Class A Public Nuisance means the following:

a. Any place where people congregate which encourages a disturbance of the peace or where the conduct of persons in or about that place is such as to annoy or disturb the peace of the occupants or persons attending such place, residents in the vicinity or passersby on public rights-of-way; or

b. Any public or private place which encourages professional gambling, unlawful use, sale or distribution of drugs, controlled substances as defined in Section 12-22-303(7), C.R.S., or other drugs the possession of which is an offense under state law, furnishing or selling intoxicating liquor to minors, furnishing or selling fermented malt beverages to persons under the age of twenty-one (21), solicitation for prostitution or traffic in stolen property.

Class B Public Nuisance means the following:

a. The conducting or maintaining of any business, occupation, operation or activity prohibited by any provision of this Code or by state statute.

b. The continuous or repeated conducting or maintaining of any business, occupation, operation, activity, building, land or premises in violation of any provision of this Code or of state statute.

c. Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger or hazard to public health or safety.

d. Any dilapidated building of whatever kind which constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion or rodent infestation, or which is frequented by trespassers or transients.

e. Any unlawful pollution or contamination of any surface, of subsurface waters, of the air or of any substance or material intended for human consumption; provided that no action shall be brought under this Paragraph (5) if the State Department of Health or any other state or local government agency charged by and acting pursuant to statute or duly adopted regulation has assumed jurisdiction by the institution of proceedings concerning such pollution or contamination.

f. Any activity, operation or condition which, after being ordered abated, corrected or discontinued by lawful order, continues to be conducted or continues to exist in violation of this Code or of any state statute or regulation duly enacted pursuant to such statute.

g. Any activity, operation or condition which is declared to be a public nuisance by any provision of this Code which does not specifically declare such activity, operation or condition to be a Class A or a Class C Public Nuisance.

h. Any unreasonable interference with a right common to the general public.

Class C Public Nuisance means any person carrying on or practicing any profession or calling, or operating any business, required to be licensed by state law or pursuant to any provision of this Code, without first procuring a license therefor; or carrying on or practicing such profession or calling or operating such business after the license therefor has been lawfully cancelled or revoked.

Litter shall include but not be limited to rubbish, refuse, garbage, paper, trash, rags, cigarettes and cigars or remains thereof, and ashes.

Refuse means and includes any waste materials from normal household and business operations. It includes but is not limited to the following substances: wastes from the preparation, cooking and consumption of food (exclusive of dishwater and waste water); condemned food products; wastes from the handling, storage, preparation or sale of produce or meat; offal; dead animals; woodchips; shavings; papers; pasteboard; rags; straw; worn-out clothing; garden and lawn trash; grass clippings; leaves; hay; worthless vegetation; excelsior; rubbish containers; boxes; glass; metals; plastics; bottles; cans; soil; gravel; manure; stones; brick; plaster; cement; crockery; ashes; cinders; other noncombustible materials; garbage; waste from industrial or manufacturing plants or processes; spoil; and waste material from building construction, repair or demolition, including but not limited to broken concrete, cinder blocks, stones, stone building rubble; wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known. (Prior code 7-5-1; 13-17-101; Ord. 466 §2, 1996; Ord. 532, 2001)

Sec. 7-1-20. Author of nuisances.

Any state of things prohibited by this Chapter shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof. (Ord. 532, 2001)

Sec. 7-1-30. Action to abate.

An action to abate a public nuisance may be brought by the Town as a civil action in any district court of the State. Practice and procedure in any such action shall be governed by the Colorado Rules of Civil Procedure. (Prior code 13-17-102)

Sec. 7-1-40. Preliminary injunction.

In an action to abate a Class A or Class B Public Nuisance, the court may, as part of a preliminary injunction, direct the Chief of Police to seize and close such public nuisance and to keep the same effectually closed against its use for any purpose until further order of the court. While the preliminary injunction remains in effect, the building or place seized and closed shall be subject to the orders of the court. (Prior code 13-17-103; Ord. 574 §3, 2005)

Sec. 7-1-50. Judgment; relief.

(a) In addition to any relief provided elsewhere in this Code or by state law, the judgment in any action to abate a public nuisance may include a permanent injunction to restrain, abate and prevent the continuance or recurrence of the nuisance. The court may grant declaratory relief, mandatory orders or any other relief deemed necessary to accomplish the purposes of the injunction and enforce the same, and the court may retain jurisdiction of the case for the purpose of enforcing its orders.

(b) In addition to any relief provided elsewhere in this Code or by state law, the judgment in an action to abate a Class A Public Nuisance may include an order directing the Chief of Police to seize and close the public nuisance, and to keep the same effectually closed until further notice of the court, not to exceed one (1) year.

(c) In addition to any relief provided elsewhere in this Code or by state law, the judgment in an action to abate a Class B Public Nuisance may include, in addition to or in the alternative to other injunctive relief, an order requiring the removal, correction or other abatement of the public nuisance, in whole or in part, by the Town, at the expense of the owner or operator of the public nuisance.

(d) The judgment in an action to abate a public nuisance may include, in addition to or in the alternative to any other relief authorized by this Article, the imposition of a fine, within the limits provided in Section 16-13-312, C.R.S., conditioned upon failure or refusal of compliance with the orders of the court within any time limits fixed therein. Any such fine collected shall be paid into the general fund of the Town. (Prior code 13-17-104; Ord. 532, 2001; Ord. 574 §3, 2005)

Sec. 7-1-60. Redelivery of seized premises.

If the owner or operator of a building or place seized and closed as a Class A Public Nuisance has not been guilty of any contempt of court in the proceedings, and demonstrates by evidence satisfactory to the court that the public nuisance has been abated and will not recur, the court may order the premises delivered to the owner or operator. As a condition of such order, the court may require the posting of bond, in an amount fixed by the court, for the faithful performance of the obligation of the owner or operator thereunder to prevent recurrence or continuance of the public nuisance. (Prior code 13-17-105)

Sec. 7-1-70. Fees; costs; liens and collection.

(a) For seizing and closing any building or premises as provided in this Chapter, or for performing other duties at the direction of the court pursuant to this Chapter, the Chief of Police and the Town shall be entitled to a reasonable sum fixed by the court in addition to the actual costs incurred or expended.

(b) All fees and costs allowed by this Section, the costs of court action to abate any public nuisance, and all fines levied by the court in contempt proceedings incident to an action to abate a public nuisance, shall be a first and prior lien upon any real property seized under the provisions of this Article, and the same shall be enforceable and collectible by execution issued by order of the court from the property of any person liable therefor. (Prior code 13-17-106; Ord. 532, 2001; Ord. 574 §3, 2005)

Sec. 7-1-80. Prior liens not subject to forfeiture.

Except for the fees, costs, and fines provided by Section 7-1-70 above, nothing in this Article shall be construed in such a manner as to destroy the validity of a bona fide lien upon real or personal property appearing of record prior to the seizure of such property as authorized herein. (Prior code 13-17-107)

Sec. 7-1-90. Rights cumulative.

The provisions of this Article shall not be construed to limit or abrogate the right or authority of the Town to declare and abate public nuisances under the laws of the State, nor shall they be deemed to amend or repeal any of the criminal provisions of this Code, but the provisions of this Article shall be considered a cumulative right of the Town in the enforcement of such laws. (Prior code 13-17-108)

Sec. 7-1-100. Concurrent remedies.

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law. (Ord. 532, 2001)

Sec. 7-1-110. Violations and penalties.

(a) Any person who violates any of the provisions of this Chapter shall be subject to the provisions of Section 1-4-20 of this Code.

(b) In addition to any Town police officer, the Town's Community Service Officer is authorized to issue a summons and complaint for any violation of this Chapter. (Prior code 13-11-108; Ord. 532, 2001; Ord. 588 §§2, 3, 2006)

Sec. 7-1-120. Correction of violations; lien for costs.

(a) If any violation of this Article, or of Sections 7-2-10, 7-2-20, 7-2-40, 7-2-50, 7-2-60, 7-4-20, 7-4-30, 7-4-40, 11-1-70 or any other Section of this Code which provides for abatement or correction of an unlawful activity, operation or condition, occurs or continues, the same is hereby declared to be a public nuisance. The Town may but shall have no obligation to serve a written notice and order to abate or correct the violation upon the owner or occupant of the real property where the violation occurs, or the owner or occupant of any personal property causing or constituting the violation, as appropriate.

(b) The notice and order provided in this Section shall be sufficient if it is signed by the Chief of Police, the Town Clerk or some other officer authorized in a specific case by another section of this Code, identifies the code section allegedly being violated and the particulars of such violation, states the street address or a brief legal description of the property where the violation occurs, states the corrective action required, advises of the right to a hearing to appeal the notice and order if requested in writing within ten (10) days after service of the notice, and orders the violation corrected within a time certain, which shall not be a shorter period from the time of service of the notice and order than as follows:

- (1) Violations of Section 11-1-70: forty-eight (48) hours.
- (2) Violations of Section 11-1-50: sixty (60) days.
- (3) Violations of any other code section: ten (10) days.

(c) The notice and order provided in this Section may be served in any of the following ways:

(1) Upon an owner or occupant in any manner provided by the Colorado Rules of Civil Procedure for personal service of a summons and complaint;

(2) Upon an occupant or owner-occupant by mailing a true copy thereof, first class, postage prepaid, to such person at the street or post office address for the property where the violation occurs, or by posting a true copy thereof in a conspicuous place on such property.

(3) Upon a nonoccupant owner by mailing a true copy thereof, first class, postage prepaid, to such person at his or her last known address or to the address given for him or her as the owner of such property in the records of the County Assessor.

Service shall be deemed effective as of the date and hour of personal service, mailing or posting, as appropriate.

(d) If such violation is not abated or corrected within the time provided in this Section, in addition to any other remedies provided elsewhere in this Code or by state law, the Town shall have the following remedies, which shall be deemed cumulative:

(1) Abate or correct the violation and assess all actual costs and expenses thereof, direct and indirect, plus five percent (5%) for inspection and incidental costs in connection therewith, against any person responsible for such violations and against the real property where the violation occurred. Such assessment shall be the personal obligation of such person, and shall be a lien against such real property and all improvements thereon until paid, and shall have priority over all other liens except general taxes and prior special assessments. Duly authorized representatives of the Town, bearing proper credentials and identification, shall be permitted to enter upon the property at reasonable times to perform any duty imposed or authorized by this Section.

(2) Proceed in District Court under Articles I, II and IV of this Chapter and Chapter 8, Article II of this Code to abate the violation as a public nuisance.

(e) Any person adversely affected by a determination made by or on behalf of the Town under this Section who disputes the same may request a hearing by filing with the Town Clerk a written request therefor not later than ten (10) days after service of the notice and order. Such hearing shall be conducted by a neutral and detached hearing officer appointed by the Town Manager. If an appeal is taken pursuant to this Subsection and denied in whole or in part, except as to alleged violations of Section 11-1-70 of this Code (in which cases liability for cure costs shall be the only issue), the times stated in Subsection (b) above for corrective action to be taken shall be counted from the date of service of the hearing officer's determination. The hearing officer's determination, which shall be in writing and state the reasons for the determination made, shall be considered a final order and may be appealed to District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure by either the appellant or the Town. Compliance with the provisions of this Section is a jurisdictional prerequisite to any such appeal, and failure of compliance shall forever bar such action.

(f) Notice of any assessment made by the Town pursuant to Paragraph (d)(1) above shall be given by recording the same in the records of the County Clerk and Recorder and by serving the same upon the owner or occupant of such property in any manner authorized by Subsection (c) hereof for service of the notice and order to abate or correct. If the assessment is not paid within forty-five (45) days after notice of such assessment is given, it may be certified by the Town Clerk to the County Treasurer, who shall collect the same, together with a ten-percent penalty for costs of collection, in the same manner as other taxes are collected. State law for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments. (Prior code 7-5-11; Ord. 532, 2001; Ord. 574 §§1, 3, 2005)

ARTICLE II

Refuse and Junk

Sec. 7-2-10. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

In view means that a vehicle, or portions or parts thereof, can be seen from a public place or from property which is not owned or controlled by the person who owns or controls the parcel of real property where the vehicle is located.

Inoperable vehicle means any vehicle that is dismantled in whole or in part, is missing required safety equipment, is missing in whole or in part the engine, transmission, drive train, seats, lights, wheels or tires, has one (1) or more flat tires, or has a broken or missing windshield.

Unlicensed vehicle means any motor vehicle which is required by the laws of the State to be registered for which there is no current registration and which does not bear a current license plate. (Prior code 13-17-112; Ord. 470 §1, 1996; Ord. 532, 2001)

Sec. 7-2-20. Deposit and burning restrictions.

(a) It is unlawful and a Class B Public Nuisance for any person to throw, leave, deposit, store or accumulate refuse or litter upon any premises which he or she owns, controls or occupies, or permit the same to be left, deposited, stored or accumulated, or to remain upon such premises except in water-tight receptacles furnished by or for him or her which have tight-fitting covers and can hold refuse or litter without escape of odors or solid or liquid waste. Such receptacles shall at all times be kept and placed so that they are not unsightly and do not permit access by rats, dogs or other animals. Notwithstanding the foregoing, leaves and lawn clippings may be deposited in plastic bags, provided that such bags are securely fastened at the top and shall not be ruptured or torn.

(b) It is unlawful and a Class B Public Nuisance for any person to cause or permit refuse or litter to blow or to be carried by water from property owned, controlled or occupied by him or her onto public property or property owned by another person.

(c) It is unlawful and a Class B Public Nuisance for any person to throw, leave or deposit refuse or litter or to cause the same to be thrown, left or deposited in any refuse receptacle furnished, provided or owned by another person without the consent of such person, or on public property or the property of another.

(d) It is unlawful and a Class B Public Nuisance for any person to burn refuse or litter within the Town except that authorized substances may be burned during hours lawfully designated therefor by the Board of Trustees. (Prior code 7-5-2)

Sec. 7-2-30. Dead animal removal.

When any animal dies in the Town, it is the duty of the owner or keeper thereof to dispose of the body of such animal forthwith in accordance with state law. If such body is not so disposed of, the same shall be deemed a nuisance, and such owner or keeper will be the author of the nuisance. When the body of any such dead animal is in any street, highway or public grounds in the Town, it shall be the duty of the Chief of Police to cause such body to be disposed of in accordance with state law. (Ord. 532, 2001; Ord. 574 §3, 2005)

Sec. 7-2-40. Removal of graffiti.

(a) For the purposes of this Section, *graffiti* means an inscription, drawing or design scratched, painted, sprayed or otherwise placed on a structure in such a way that it is visible to the public.

(b) It is the duty of the owner, occupant and any other person having custody or control of any structure upon which graffiti has been placed to remove such graffiti within five (5) consecutive days after the same was placed on the structure.

(c) It is unlawful and a public nuisance for any person responsible under this Section for the removal of graffiti to fail to remove the same within the time above provided. Any violation of this Section may, in addition to being prosecuted as a violation of this Code, be corrected or abated pursuant to Section 7-1-120 of this Code. (Prior code 13-17-114)

Sec. 7-2-50. Inoperable and unlicensed vehicles.

(a) In all residential districts of the Town, a property owner may store on his or her property a maximum of two (2) collector's item vehicles, as the term collector's item is hereinafter defined. Stored vehicles must be placed behind a solid fence or in an enclosed structure and cannot be visible from any public street or sidewalk. Each property owner shall ensure that the storage area is maintained in such a manner that it does not constitute a health hazard, safety hazard or fire hazard. Inoperable and unlicensed vehicles that are not collector's item vehicles may not be stored in residential districts.

(b) Inoperable and/or unlicensed vehicles, as those terms are defined in Section 7-2-10 of the Code, may be stored on commercially zoned property as long as the vehicles are stored behind a solid fence or in an enclosed structure located behind the business. An inoperable and/or unlicensed vehicle may be parked in front of a business for a maximum of ten (10) days. All vehicles that are parked in front of a business, must be parked in a designated parking area without said vehicles blocking emergency access or being double parked. Each business owner who stores or parks inoperable and/or unlicensed vehicles on his or her property shall ensure that all storage and parking areas are maintained in such a manner that they do not constitute health hazards, safety hazards or fire hazards.

(c) For the purposes of Subsection (a) above, the term *collector's item* is as defined and regulated by Article 12 of Title 42, C.R.S., and means a motor vehicle, including a truck or truck tractor, that is at least twenty-five (25) years old.

(d) It is not a defense to any action under this Section that the vehicle is all or part of the stock in trade, inventory or equipment used in a business or held by such person as bailee, for hire or otherwise.

(e) Any violation of this Section may, in addition to being prosecuted as an ordinance violation, be corrected or abated pursuant to Section 7-1-120 of this Code. (Prior code 13-17-112; Ord. 470 §1, 1996; Ord. 574 §1, 2005; Ord. 598 §2, 2006)

Sec. 7-2-60. Accumulation of junk equipment or furniture.

(a) It is unlawful for any person to cause or permit any wrecked, junked, discarded or abandoned equipment, appliance, article of household or office furniture, machine other than a vehicle or any parts thereof, or vehicle parts which have lost their identity, character, utility or serviceability as such through deterioration, dismantling or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded or thrown away or left as waste, wreckage or junk, to be placed, stored or

accumulated, or to remain upon property owned, controlled or occupied by him or her where it is visible at ground level from any public place or from other private property. It shall not be a defense to any action under this Subsection that such articles are the stock in trade, inventory or equipment used in a business.

(b) It is unlawful for any person to cause or permit any of the articles described in Subsection (a) above which he or she owns or controls to be placed or to remain upon any public property or property of another where it is visible at ground level from any public place or from other private property.

(c) Any violation of this Section may, in addition to being prosecuted as a violation under Section 1-4-20 of this Code, be corrected or abated pursuant to Section 7-1-120 of this Chapter. (Prior code 13-17-111; Ord. 532, 2001)

Sec. 7-2-70. Removal; transportation.

(a) It is unlawful and a Class B Public Nuisance for any person to cause or permit the accumulation of refuse upon any premises which he or she owns or occupies in such a fashion that the same becomes unsightly, generates offensive odors or creates a health hazard. Accumulated refuse shall be removed from all premises within the Town not less frequently than once every calendar week.

(b) It is unlawful and a Class B Public Nuisance for any person to transport refuse within the Town unless the same is in a sealed container or in a receptacle complying with the requirements of Section 7-2-20(a) hereof; provided that refuse resulting from construction and from tree-trimming or tree removal operations may be transported in vehicles which are covered or otherwise equipped to prevent the blowing or dropping of refuse from such vehicle. (Prior code 7-5-3; Ord. 532, 2001)

ARTICLE III

Refuse Collection System

Sec. 7-3-10. Creation of refuse collection and removal system.

There is hereby created a refuse collection and removal system within and for the Town. (Prior code 7-5-4)

Sec. 7-3-20. Contract for services.

(a) The Board of Trustees may contract with some suitable person for a term not to exceed five (5) years to collect refuse from within the Town in accordance with the provisions of this Article. The contractor shall for the purposes of this Article be known as the *Refuse Collector*.

(b) The terms of any such contract shall require the Refuse Collector to provide satisfactory collection and disposition services in such a manner as to maintain sanitary conditions in compliance with existing statutes, ordinances, rules and regulations for the collection and disposition of refuse as adopted or required by the State, the County or the Town.

(c) The Board of Trustees shall have the power to terminate and cancel the contract of the Refuse Collector at any time for failure properly and timely to perform the terms of such contract. (Prior code 7-5-5; Ord. 532, 2001)

Sec. 7-3-30. Exemptions from refuse collection system.

(a) The Refuse Collector shall not be required as part of its regular collection duties to remove or transport refuse meeting any of the following criteria: refuse contained in any receptacle weighing more than seventy (70) pounds or having a capacity of more than thirty (30) gallons; refuse consisting of materials or items of unusual size or weight, including discarded major appliances, uncut tree limbs and other large or bulky materials; refuse from any business establishment exceeding three (3) thirty-gallon, seventy-pound containers per week; or refuse contained in receptacles whose owners have not made them readily accessible to the Refuse Collector on the day of each week on which said refuse is collected. Nothing contained in this Section shall, however, relieve any person of the obligation to comply with the provisions of this Article requiring proper storage, removal and transportation of refuse, or requiring payment of refuse collection charges.

(b) Any person served by the Refuse Collector may elect to discontinue such service by notifying the Town Clerk in writing of such election, the address of the premises to which the election applies, and the effective date thereof, which date shall not be sooner than two (2) business days after such notice is delivered to the Clerk. Thereupon, such person shall be exempt in the future from the refuse collection charges imposed by Section 7-3-40 of this Chapter. Nothing contained in this Section shall relieve any person of the obligation to comply with the provisions of this Article requiring proper storage, removal and transportation of refuse within the Town. (Prior code 7-5-6)

Sec. 7-3-40. Rate of charge.

The base rate of charge for refuse collection service for each dwelling unit or business establishment actually served by the Refuse Collector as part of its regular duties shall be in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. (Prior code 7-5-7; Ord. 522 §6, 2001)

Sec. 7-3-50. Billing and collection of charges.

(a) The rate established in Section 7-3-40 of this Chapter shall be charged to the owner or occupant of each dwelling unit or business establishment served by the Refuse Collector as part of its regular duties, as evidenced by the Town records pertaining to ownership of the water tap serving such premises. Such charges are further assessed and levied as a tax upon the real property within the Town to which such charges apply.

(b) The amount due to the Town by the parties described in Subsection (a) above for refuse collection shall be included on the water bill as a separate item. The provisions set forth in Subsection 13-2-470 of this Code with respect to payment of water charges, including terms of payment and fixing date of delinquency, shall apply with equal force to the charges for refuse collection. (Prior code 7-5-8)

Sec. 7-3-60. Delinquent assessments; suspensions of service.

Whenever any charges assessed and levied pursuant to the provisions of this Article have become delinquent, the refuse collection and disposal service herein provided for may be suspended for nonpayment. Such suspension will not relieve any person of the duty of complying with the requirements of this Article. Such suspension shall render the premises where the service is suspended subject to condemnation for sanitary reasons and the owner and occupant of such premises shall be personally responsible therefor and liable for the penalties herein provided. (Prior code 7-5-9)

Sec. 7-3-70. Assessment to become lien on property.

In addition to any other means herein provided for collection of the same, all delinquent charges and assessments herein provided for shall be a lien against each lot or tract of land against which such charges have been levied and assessed until the same are paid, and they shall have priority over all other liens except general taxes and prior special assessments. Notice and collection of such assessments shall be as provided in Section 7-1-120 of this Code. (Prior code 7-5-10)

ARTICLE IV

Weeds, Brush, Trees and Undesirable Vegetation

Sec. 7-4-10. Undesirable Plant Management Advisory Commission designated.

The Board of Trustees is appointed to act as the Undesirable Plant Management Advisory Commission for the Town and shall have the duties and responsibilities as provided by state statute. (Ord. 2008-621 §1)

Editor's Note: Section 35-5.5-101, C.R.S., establishes the requirements for undesirable plant management in the State.

Sec. 7-4-20. Definitions.

As used in this Article, the following words, terms and phrases shall have the meanings indicated:

Noxious vegetation means plants or parts thereof which meet one (1) or more of the following criteria:

- a. It aggressively invades or is detrimental to economic crops or native plant communities.
- b. It is poisonous to livestock;
- c. It is a carrier of detrimental insects, diseases or parasites.
- d. The direct or indirect effects of the presence of the plant are detrimental to the environmentally sound management of natural or agricultural ecosystems.

Examples of noxious vegetation is vegetation that has been designated by the Colorado Department of Agriculture on an annual basis and includes by way of example: Leafy Spurge (*Euphorbia esula*), Canadian Thistle (*Cirsium arvense*), Musk Thistle (*Carduus nutans*), Russian Knapweed (*Centaurea repens*), Diffuse Knapweed (*Centaurea diffusa*), Meadow Knapweed (*Centaurea pratensis*), Spotted Knapweed (*Centaurea maculosa*); Squarrose Knapweed (*Centaurea virgata*), Purple Loosestrife (*Lythrium salicaria*), African rue (*Peganum harmala*), Camelthorn (*Alhagi pseudalhagi*), Common Crupina (*Crupina vulgaris*), Cypress Spurge (*Euphorbia cyparissias*), Dyer's Woad (*Isatis tinctoria*), Giant Salvinia (*Salvinia molesta*), Hydrilla (*Hydrilla verticillata*), Mediterranean Sage (*Salvia aethiopsis*), Medusahead (*Taeniatherum caput-medusae*), Myrtle Spurge (*Euphorbia myrsinites*), Orange Hawkweed (*Hieracium aurantiacum*), Puncturevine (*Tribulus terrestris*), Rush Skeletonweed (*Chondrilla juncea*), Sericea Lespedeza (*Lespedeza cuneata*), Tansy Ragwort (*Senecio jacobaea*), and Yellow Starthistle (*Centaurea solstitialis*). As the species designated for eradication may change, this list is not intended to be exclusive, but rather is intended to be indicative of those types of plants which are considered noxious and a present threat to the continued economic and environmental value of the lands within the Town. The state Noxious Weed Management Plans are found at the Colorado Department of Agriculture website:

www.ag.state.co.us/CSD/Weeds/Weedhome.html and on the Weld County Website: www.co.weld.co.us, www.weldweeds.org or any successor websites. In addition, a list of the noxious vegetation identified by the State can be obtained at the office of the Town Clerk. The term *noxious vegetation* does not include Russian Olive Tree (*Elaeagnus angustifolia*) if such tree is in a living, healthy and disease-free condition.

Right-of-way means all Town streets, alleys and sidewalks.

Weeds means any undesirable plant or plant or vegetation which is not intentionally cultivated or is unsightly and economically useless, including grass/brush that is more than six (6) inches in height as measured from ground level. The term *weeds* does not include healthy flowers or vegetables, plots of shrubbery, ornamental landscaping, grain plots or pastures used for feed, fodder or forage. (Ord. 2008-621 §1)

Sec. 7-4-30. Removal of noxious vegetation and weeds.

(a) Noxious vegetation. All owners and occupants of land, or contractor of either of the foregoing, within the Town shall maintain such property free from noxious vegetation, including any alleys behind and sidewalk areas in front or on the side of any lot or tract of land and any portion of the Town's right-of-way located between the property line of such lot or open area and the curb face, flow line or edge of pavement of any public street. Disposal of the noxious vegetation will be performed in a manner which will minimize the reproduction of the noxious vegetation.

(b) Weeds. All owners and occupants of land, or contractor of either of the foregoing, shall keep cut all weeds to a height not to exceed six (6) inches and shall keep the property free from brush and shall remove and properly dispose of the same. The duty provided for in this Section shall also apply to any alleys behind and sidewalk areas in front or on the side of any lot or tract of land and any portion of the Town's right-of-way located between the property line of such lot or open area and the curb face, flow line or edge of pavement of any public street.

(c) Noxious vegetation and weeds shall be controlled by cutting, spraying or other lawful and suitable method of control, including eradication, containment and/or suppression, as appropriate. In addition, control of noxious vegetation shall be by methods determined by the Town to be consistent with the Colorado Noxious Weed Act, Section 35-5.5-101, et seq., C.R.S., or any successor provision.

(d) This Section shall not apply to any lot or parcel of property within the Town that is:

(1) Zoned for agricultural use;

(2) Larger than two hundred (200) acres in size and under single ownership; or

(3) Zoned under the Planned Development regulations within a subdivision subject to recorded covenants or land use approvals applicable to the lot or parcel which indicate, restrict or require that the lots or parcels be maintained in a natural state. (Ord. 2008-621 §1)

Sec. 7-4-40. Dead, diseased trees prohibited.

(a) It is unlawful for any person to cause or permit the keeping or storing upon property owned or occupied by him or her of any dead, dying, diseased, unsafe or obviously weakened branches in otherwise healthy trees or shrubs, any cut elm wood or elm tree stumps with bark remaining thereon or any cut wood of

any kind which may serve as a breeding place for insects, rodents, the European bark beetle or other pests or diseases.

(b) It is unlawful for any person to cause or permit any of the articles described in Subsection (a) above which he or she owns, over which he or she has exercised control, or which came from his or her property, to be placed or to remain upon any public property or property of another in any manner proscribed in said Subsection (a).

(c) For the purposes of this Section, the term *diseased* shall include, without limitation, Dutch elm and any other contagious diseases or infestations, and the presence of any of such conditions in any tree or shrub shall be deemed good and reasonable cause for an order to remove and destroy such tree or shrub in any manner prescribed in such order. (Ord. 2008-621 §1)

Sec. 7-4-50. Trees and limbs in public right-of-way.

It is the duty of the owner of any property adjacent to a public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, *a danger to public safety* shall include all trees and limbs which hinder visibility or which may otherwise affect public health, safety and welfare and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value. (Ord. 2008-621 §1)

Sec. 7-4-60. Control of trees and shrubs.

(a) Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town are hereby declared a nuisance.

(b) The Town shall give written notice to the owner or occupant of any property abutting Town rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such right-of-way or other public property with such unsafe condition. The Town shall correct any such unsafe condition immediately upon the expiration of the notice period specified in the notice of abatement.

(c) It is unlawful and deemed a nuisance for any person to cut, trim, spray, remove, treat or plant any tree, vine, shrub, hedge or other woody plant upon access-controlled arterials or other public parks and greenbelts within the Town, unless authorized or directed by the Town.

(d) It is unlawful and deemed a nuisance for any person to injure, damage or destroy any tree, shrub, vine, hedge or other vegetation in or upon public rights-of-way or other public property within the Town, except any person who notifies the Town of such injury, damage or destruction and makes arrangements to repair or replace such vegetation or pay for the cost of such repair or replacement. (Ord. 2008-621 §1)

Sec. 7-4-70. Violations of this Article.

Any violation of this Article may be prosecuted, abated or corrected in accordance with Article I of this Chapter. (Ord. 2008-621 §1)

ARTICLE V

Animals

Division 1 General Regulations

Sec. 7-5-10. Definitions.

For the purposes of this Article, the terms listed below shall have the following meanings:

Abandon includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

Animal means any living dumb creature.

Cat means any domesticated animal of the species *Felis domestica*.

Dog, as used in this Article, means any dog, bitch or whelp over three (3) months' age.

Mistreatment includes every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

Neglect means failure to provide food, water, protection from the elements, opportunity for exercise or other care normal, usual and proper for an animal's health and well being.

A dog is considered to be *running at large* when it is neither physically confined or restrained on the premises of the owner, keeper, harbinger or other person so responsible, nor on a leash ten (10) feet or less in length attached to the dog and held by or tied to a person. A dog also is considered to be *running at large*, whether or not on a leash, when the dog is within a public area designated as being off limits for dogs when such public area is reasonably signed to warn the public that dogs are not allowed.

Vicious dog means a dog that unprovokedly bites or attacks human beings or other animals either on public or private property or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public place or ground. (Prior code 6-2-1; 13-11-101; 13-11-109; 13-11-110; Ord. 532, 2001; Ord. 580 §2, 2006)

Sec. 7-5-20. Impoundment of animals.

If any animal is found running at large contrary to the provisions of Section 7-5-10 above, the Town may impound and keep such animal in a secure place until the owner or other person entitled to possession thereof pays the Town a collection/impound fee for the collecting and keeping of such animal in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. The Board of Trustees may, at its election, contract with any person to perform the foregoing impoundment and keeping functions, in which case the animal collection/impound fee shall be as reasonably determined by the Town's contractor. (Prior code 6-1-1; Ord. 522 §3, 2001; Ord. 532, 2001)

Sec. 7-5-30. Redemption of animals.

If the owner or person entitled to the possession of such animal does not pay the charges and take it away within five (5) days from the time it is taken into custody, the Town may sell such animal at public auction after giving at least five (5) days' notice of the time and place of such sale by serving a copy of said notice upon the owner or possessor of said animal, if known, or by publishing such notice if the owner or person entitled to possession cannot be served personally. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge of all fees, expenses and charges herein provided. (Prior code 6-1-1; Ord. 532, 2001)

Sec. 7-5-40. Sale.

In case an animal sold pursuant to the provisions of this Section is sold for more than is sufficient to pay the fees and charges aforesaid, such excess shall be deposited by the officer making the sale with the Town Clerk, who shall pay such excess, upon order of the Board of Trustees, to the owner of such animal or to the person entitled to the possession of the same upon claim and proper proof within one (1) year from the date of said sale. (Prior code 6-1-1; Ord. 532, 2001)

Sec. 7-5-50. Disposal.

In the event such animal is infected or cannot be sold, it may be disposed of in the manner provided for unclaimed or infected animals. (Prior code 6-1-1; Ord. 532, 2001)

Sec. 7-5-60. Maintenance of premises required.

Any person who owns or controls any lot, barn, stable, shed, building or other place where domestic fowl or animals are kept shall keep said building and premises in a clean and sanitary condition. (Prior code 6-1-2)

Sec. 7-5-70. Certain animals prohibited.

(a) It is unlawful for any person to keep, harbor or herd any hogs, pigs, goats, sheep, buffalo, deer, elk, cattle, horses, fowl (such term to include, but not be limited to roosters, chickens and geese) or any other livestock. The prohibition set forth in this Section shall not apply in any area zoned A-1 Agricultural.

(b) Upon the effective date of the ordinance codified herein, all citizens keeping or harboring fowl outside of the A-1 Agricultural zone district shall be permitted to retain such fowl for the remainder of the fowl's natural life. When any such fowl dies, it may not be replaced and any offspring of existing fowl "grandfathered" under this Section shall not be kept in any zone district other than the A-1 Agricultural zone district. (Prior code 13-11-105; Ord. 591 §2, 2006)

Sec. 7-5-80. Strays.

It is unlawful for any person who owns or controls any horses, mules, cows, sheep, swine or goats to permit any such animal to run at large within the Town limits. (Prior code 6-1-1; 13-11-102; Ord. 532, 2001)

Sec. 7-5-90. Livestock on streets and sidewalks.

It is unlawful for any person to lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley in the Town in such manner that any such animal may graze upon the grass, herbage or trees growing upon or along any of said streets, sidewalks or alleys. It is unlawful for any person to lead or hold

any horse, cattle or other livestock in such manner as to obstruct or impede the full use of said streets, sidewalks or alleys. (Prior code 13-11-103; Ord. 532, 2001)

Sec. 7-5-100. Hitching animals restricted.

It is unlawful for any person to hitch a horse or any other animal to any ornamental fence or railing, tree or bush, whether private or public, without the permission of the owner thereof. It is unlawful for any person to hitch any such animal to any lamppost or fire hydrant of the Town. (Prior code 13-11-104; Ord. 532, 2001)

Sec. 7-5-110. Cruelty prohibited.

It is unlawful for any person, intentionally or recklessly, to do any of the following acts:

- (1) Subject any animal to mistreatment;
- (2) Subject any animal in his or her custody to neglect;
- (3) Abandon any animal; or
- (4) Kill or injure any animal belonging to another. (Prior code 13-11-106; Ord. 532, 2001)

Sec. 7-5-120. Contests prohibited.

It is unlawful for any person to advertise, offer to conduct or conduct or otherwise promote any contest or competition involving two (2) or more persons when the object of said contest or competition is the killing or fighting of animals or birds other than as authorized by law. (Prior code 13-11-107; Ord. 532, 2001)

Sec. 7-5-130. Dogs running at large prohibited.

(a) It is unlawful for any owner, keeper or harbinger, or any other person who has assumed the responsibility for a dog, to cause or permit the dog to run at large in the Town. This Section shall not be applied to seeing-eye dogs accompanied by their masters.

(b) Animal control officers or members of the police department shall have authority to pursue, seize and impound any dog running at large on any street, sidewalk, alley, parkway, unenclosed place or unenclosed private property, including that of the animal's owner or keeper. (Prior code 13-11-109; Ord. 532, 2001)

Sec. 7-5-140. Vicious dogs prohibited.

It is unlawful for any person to keep, possess or harbor a vicious dog within the Town. (Prior code 13-11-110)

Sec. 7-5-150. Barking dogs prohibited.

It is unlawful for any person to keep or harbor a dog which by loud, frequent or habitual barking, yelping or howling shall cause a material annoyance in the neighborhood, or to people passing upon the streets or sidewalks. (Prior code 13-11-111; Ord. 532, 2001)

Sec. 7-5-160. Cat vaccinations.

(a) Vaccination required. The owner or keeper of any cat shall have such cat vaccinated against rabies by a Colorado-licensed veterinarian, unless such owner or keeper possesses a written statement from a Colorado-licensed veterinarian that vaccination against rabies would be detrimental to the health of such cat. Such vaccination shall be performed on or before the appropriate anniversary date of the initial vaccination as determined by a Colorado-licensed veterinarian. Any person who acquires a cat within the Town shall have such cat vaccinated within thirty (30) days of such acquisition or within thirty (30) days after the cat reaches four (4) months of age, whichever occurs later.

(b) Unlawful to possess unvaccinated cat. It is unlawful for any person to possess any cat which has not been vaccinated for rabies as provided for in Subsection (a) or which cannot be identified as having a current certificate of vaccination, excepting those persons who possess a written statement of exemption from a licensed veterinarian as provided in Subsection (a) above. (Ord. 580 §3, 2006)

Sec. 7-5-170. Proof of vaccination for cats.

The owner or keeper of a cat shall produce a copy of a valid certificate of vaccination, or a statement of exemption from a licensed veterinarian as provided in Subsection 7-5-160(a) above, upon the request of the Chief of Police. Failure to produce a certificate of vaccination shall constitute *prima facie* evidence that such cat is unvaccinated. (Ord. 580 §3, 2006)

Sec. 7-5-180. Removal of fecal matter.

Any owner or keeper of an animal who takes such animal to any public right-of-way or other public property in the Town shall immediately remove, or cause to be removed, and lawfully dispose of all fecal matter left on such property by the animal. Any owner or keeper of any animal who takes such animal upon any private property other than his or her own property shall immediately remove, or cause to be removed, and lawfully dispose of all fecal matter left on such property by the animal. (Ord. 2008-618 §1)

Sec. 7-5-190. Dogs in Platteville Community Center Complex-Panther Park.

No dogs shall be allowed in the fenced and gated playing field areas of the Platteville Community Center Complex-Panther Park. Violation of this Section shall be punishable by a fine not to exceed one hundred dollars (\$100.00) per offense. (Ord. 2009-638 §1)

*Division 2
Dog Licenses*

Sec. 7-5-200. License required.

The owner, possessor or keeper of any dog within the Town shall secure a license for such dog from the Town Clerk on or before March 31 of each year or within thirty (30) days after the dog reaches the age of six (6) months. Dogs purchased, obtained or otherwise acquired subsequent to April 1 in any calendar year shall be licensed within thirty (30) days after such acquisition. New residents of the Town shall have thirty (30) days after becoming such residents to secure a license hereunder. (Prior code 6-2-2; Ord. 532, 2001)

Sec. 7-5-210. License application.

Application for a dog license shall be made on forms provided by the Town Clerk. (Prior code 6-2-3)

Sec. 7-5-220. Fees.

The annual license fee for dogs is as established from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. (Prior code 6-2-4; Ord. 522 §2, 2001; Ord. 532, 2001)

Sec. 7-5-230. Rabies vaccination required.

(a) The owner, possessor or keeper of every dog within the Town shall have such dog vaccinated against rabies between January 1 and May 1 of each year. Dogs purchased, obtained or otherwise acquired or brought into the Town subsequent to May 1 in any calendar year shall be inoculated within thirty (30) days after such acquisition or being brought into the Town.

(b) The vaccination required by this Section shall be made by any veterinarian licensed to practice veterinary medicine in the State. (Prior code 6-2-5; 6-2-6; Ord. 532, 2001)

Sec. 7-5-240. Prerequisite to issuance of license.

Upon application for a dog license, the applicant shall exhibit to the Town Clerk a certificate from a licensed veterinarian that the dog has been vaccinated against rabies as required by this Article. (Prior code 6-2-7)

Sec. 7-5-250. Dog tag.

Upon the issuance of a dog license pursuant to this Article, the Town Clerk shall issue and furnish to the licensee a dog tag of such size, shape, color and material as may be deemed expedient and suitable by the Town Clerk. The color of the tag shall be changed each year. Each tag shall contain a number stamped thereon and indicate the year for which the tag is issued. (Prior code 6-2-8)

Sec. 7-5-260. Attachment of tag to collar or harness.

Every owner, possessor or keeper of a dog within the Town shall be required to place upon such dog a collar or harness made of durable material and to attach and keep attached to such collar or harness the dog tag provided for in this Article. It is unlawful for any person to attach to the collar or harness of any dog a dog tag not currently and validly issued for such dog. (Prior code 6-2-9; Ord. 532, 2001)

Sec. 7-5-270. Records of issuance; duplicate; transfers.

The Town Clerk shall keep a record of the date of issue of each dog tag provided for in this Article, the person to whom such tag is issued and the number thereof. If the dog tag is lost or destroyed, a duplicate tag may be obtained from the Town Clerk upon the payment of a fee of one dollar (\$1.00). In the event that the ownership or possession of a dog is changed, a new dog tag must be obtained from the Town Clerk. (Prior code 6-2-10; Ord. 532, 2001)

Sec. 7-5-280. Impoundment of dogs.

Any police officer or other duly authorized animal control official of the Town may pursue, seize and impound any dog which such official has probable cause to believe does not have a current and valid license or rabies vaccination, is not properly tagged, is running at large as defined in Section 7-5-10 above or is a vicious dog as defined in Section 7-5-10 above. (Prior code 6-2-11)

Sec. 7-5-290. Establishment and operation of pound.

The Board of Trustees shall have the right to establish a dog pound for the Town, to be operated by Town personnel, or at its election contract with a public or private person or organization for the operation of a dog pound for and on behalf of the Town. (Prior code 6-2-12; Ord. 532, 2001)

Sec. 7-5-300. Notice.

Any police officer or other duly authorized animal control official of the Town who has impounded a dog pursuant to this Article shall cause reasonable effort to be made promptly to notify the dog's owner, possessor or keeper of the impoundment. Notification of the person to whom any license or tag for such dog was issued pursuant to this Article, at the address shown for such person on the dog licensing records of the Town, shall be deemed a prima facie reasonable effort to notify. No disposition of any impounded dog shall occur until a reasonable effort to notify has been made. (Prior code 6-2-13)

Sec. 7-5-310. Redemption of dogs.

Except as provided by Section 7-5-330 of this Article, an owner or any other person having a legal right to the immediate possession of any impounded dog may redeem the dog at any time before it is disposed of pursuant to Section 7-5-320 below. The person seeking to redeem the dog shall satisfy the operator of the impound facility that he or she is in fact an owner of the dog or is otherwise entitled to immediate possession thereof, and shall pay all redemption fees provided in Section 7-5-340 below. The person redeeming a dog which is not currently licensed or tagged in compliance with this Article must additionally comply with Sections 7-5-200 and 7-5-250 above and provide satisfactory evidence of such compliance to the operator of the impound facility in order to redeem the dog. (Prior code 6-2-13)

Sec. 7-5-320. Disposition.

(a) Except as provided by Section 7-5-330 below, if an impounded dog is not redeemed within three (3) days of the date on which notice of the impound is given, the dog shall be deemed to be the sole and exclusive property of the Town. As of such date, the dog shall be available for adoption or may be euthanized, at the discretion of the Town.

(b) Any person who adopts an impounded dog shall, as an express condition of such adoption, agree to indemnify and hold the Town harmless against any and all claims arising out of such adoption, including without limitation claims relating to ownership or title to the said dog. No impounded dog may be adopted unless it is first duly licensed and tagged, and the fees provided in Section 7-5-340 below have been paid in full. (Prior code 6-2-13)

Sec. 7-5-330. Quarantine or destruction of rabid dogs.

(a) Dogs known to have been bitten by or exposed to a rabid animal shall be placed in suitable quarantine for a period of not less than ten (10) days at the expense of the owner.

(b) If any such dog is found to be rabid, it shall be immediately euthanized.

(c) Any such dog which is found not to be rabid shall be released upon proof of vaccination against rabies, at the expense of the owner. (Prior code 6-2-14)

Sec. 7-5-340. Redemption fees.

Any person wishing to redeem a dog impounded or quarantined under this Article must pay the following fees to the Town or to its contractor for the impound, quarantine, boarding and vaccination functions described in this Article before such dog shall be released to him or her:

(1) Impoundment/quarantine fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code or in an amount reasonably determined by the Town's contractor, as the case may be.

(2) Boarding fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code or in an amount reasonably determined by the Town's contractor, as the case may be.

(3) Rabies vaccination fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code or in an amount reasonably determined by the Town's contractor, as the case may be. (Prior code 6-2-15; Ord. 522 §4, 2001)

Sec. 7-5-350. Kennels.

(a) Any person or persons keeping or harboring more than three (3) dogs of the age of six (6) months or over at any one (1) location or upon any premises shall be deemed to be operating a kennel.

(b) No person shall keep or operate a kennel without first securing from the Town Clerk a kennel license, entitling him or her to do so. Such kennel license shall be issued by the Town Clerk upon a proper application and shall entitle the licensee to keep any number of dogs six (6) months old or over, but such numbers shall not at any time exceed the number specified in such license. The fee to be paid for each kennel license shall be as established from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. With such kennel license, the Town Clerk shall issue a number of metal tags equal to the number of dogs authorized by the license, such tags to be same as those provided for in Section 7-5-250. The provisions of this Subsection shall not prohibit the taking of dogs which have been inoculated outside the limits of the kennel temporarily and on leash, nor shall they prohibit the transporting of dogs temporarily for the purpose of breeding, trial or show.

(c) The Town Clerk shall not issue a license for the establishment of a kennel in any R-1, R-2, R-2a or B-1 Zoning District.

(d) The provisions of this Section shall not apply to the case of any premises used as a licensed veterinary hospital or doctor's office.

(e) In all residential zone districts of the Town, it shall be unlawful for any person or persons to keep or harbor more than three (3) dogs six (6) months old or over, or more than one (1) litter, within or upon any residence. (Prior code 6-2-16; Ord. 522 §2, 2001; Ord. 594 §§2—4, 2006)

Sec. 7-5-360. Town held harmless.

The Police Department, the Board of Trustees, their assistants and employees, the Humane Society of Weld County and the staff thereof, and any person enforcing the provisions of this Article shall not be held responsible for any accident or subsequent disease that may occur in connection with the administration of this Article. (Prior code 6-2-17)

Sec. 7-5-370. Contract for services.

The Board of Trustees may, at its election, contract with any person to perform the impound, quarantine, boarding, destruction and vaccination functions described in this Article and services reasonably incidental thereto. (Ord. 522 §5, 2001)